



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

September 18, 2007

8:30 A.M. ROLL CALL

Invocation by Reverend Booker T. Lewis II, Pastor of the Rising Star Missionary Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of the SPCA Pet of the Month – Councilmember Sterling – **Not held**

Proclamation of "DEAF AWARENESS WEEK" – Mayor's Office – **Read and presented**

1. Presentation to the Deaf and Hard of Hearing Services – **Presentation made**

Proclamation of the "5TH ANNIVERSARY OF CITIZEN CORPS COUNCIL" – Mayor's Office – **Read and presented**

Proclamation of "MITOCHONDRIAL AWARENESS WEEK" – Mayor's Office – **Read and presented**

Proclamation of "NATIONAL FAMILY DAY - A DAY TO EAT WITH YOUR FAMILY" – Councilmember Sterling – **Read and presented**

Proclamation of "A CELEBRATION OF HANDS THAT FORGE HISTORY" – Mayor Autry and All Councilmembers – **Read and presented**

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 28, 2007

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. * Approve a five-year Airport Joint Use Agreement with the United States of America covering the use of airfield facilities at Fresno Yosemite International Airport (FYI) by California Air National Guard for an annual consideration of \$101,961 – Airports Dept.

Action Taken: Approved

- B. * Approve the lease of 2,727 square feet of space in the passenger terminal at Fresno Yosemite International Airport (FYI) to the U.S. Transportation Security Administration for one year, with four one-year options to extend at the rate established in the City's Master Fee Schedule - Airports Dept.

Action Taken: Approved

- C. * Award a contract for construction to STC General Building Contractor, Inc. of Fresno for the Fresno Chandler Executive Airport Terminal Rehabilitation Project - Phase III in the amount of \$163,136 - Airports Dept.

Action Taken: Awarded

- D. Approve the addition of a four one-year options to extend the term of Memley Aviation's lease of their fixed base operator site at Fresno Chandler Executive Airport – Airports Dept.

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- E. * Approve Extension No. 9 to Agreement with the Federal Aviation Administration to a month-to-month agreement at Cargo Building Bay No. 5 – Airports Dept.
Action Taken: Approved
- F. Approve reappointment of Reuben Scott to the Housing Authority Board of Commissioners – Mayor’s Office
Action Taken: Removed from the agenda
- G. Authorize the City of Fresno to enter into an agreement with the 21st District Agriculture Association to provide police services at the 2007 Fresno District Fair – Police Department
Action Taken: Authorized
- H. Adopt the proposed spending plan for Fiscal Year 07-08 State of California Supplemental Law Enforcement Services Funds (SLESF) – Police Department
Action Taken: Laid over to 9/25/2007
1. * **RESOLUTION** - 20th amendment to AAR No. 2007-214 appropriating \$917,700 from the State of California Supplemental Law Enforcement Services funds for equipment and operations needs **(Requires 5 affirmative votes)** – Police Department
- I. * **RESOLUTION** - 13th amendment to AAR No. 2007-214 for the Justice Assistance Grant (JAG) program from the U.S. Department of Justice, Bureau of Justice to appropriate \$386,600 into the Fiscal Year 2008 budget **(Requires 5 affirmative votes)** – Police Department
Action Taken: Resolution No. 2007-300 adopted
- J. * Award a contract in the amount of \$392,777.50 to Cruco Construction Group, Inc. for the installation of street infrastructure in No Neighborhood Left Behind Areas 25 and 28 **(Property located in District 3)** – Dept. of Public Utilities
Action Taken: Awarded
- K. * Award a contract in the amount of \$144,870 to BDS Construction for the installation of street infrastructure in No Neighborhood Left Behind Area 61 **(Property located in District 5)** – Dept. of Public Utilities
Action Taken: Awarded
- L. Approve the Cost Share Agreement with Fresno Irrigation District for construction of improvements to enterprise canal – Dept. of Public Utilities
Action Taken: Approved
- M. * **RESOLUTION** – 16th amendment to AAR No. 2007-214 appropriating \$1,334,800 for construction of Phase 2 groundwater remediation at the Fresno Sanitary Landfill **(Requires 5 affirmative votes) (Property located in District 3)** – Dept. of Public Utilities
Action Taken: Resolution No. 2007-306 adopted
1. * Award a contract to Zim Industries Inc. in the amount of \$1,209,725.00 for the construction of Phase 2 groundwater remediation at the Fresno Sanitary Landfill
Action Taken: Awarded
- N. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Brotherhood of Electrical Workers, Local 100 (IBEW), covering the period July 1, 2007, through June 30, 2011
Action Taken: Adopted
1. * **RESOLUTION** – 3rd amendment to Salary Resolution No. 2007-217 amending Exhibit 9, Unit 7 - Non-Supervisory Groups and Crafts (IBEW)
Action Taken: Resolution No. 2007-301 adopted
2. **RESOLUTION** - Approve an application to the State Employment Development for State Disability Insurance coverage for employees in Unit 7
Action Taken: Resolution No. 2007-302 adopted

1. **CONSENT CALENDAR CONTINUED**

- O. * Approve the purchase of a property at the southwest corner of E. Hamilton Avenue and S. Sarah Street for development to a skate park (**Property located in District 3**) – Public Works Dept.
Action Taken: Approved
- P. * Approve the acquisition of a street easement on the west side of Weber north of the intersection of Marks Avenue from property owned by Union Pacific Railroad (**Property located in District 1**) – Public Works Dept.
Action Taken: Approved
- Q. * **RESOLUTION** - 14th amendment to AAR No. 2007-214 appropriating \$260,000 for maintenance of Community Facilities District No. 2; and \$85,000 for eligible developer deposit refunds (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2007-303 adopted
- R. * **RESOLUTION** - 15th amendment to AAR No. 2007-214 appropriating \$76,900 for maintenance of Community Facilities District No. 11; and \$53,500 for eligible developer deposit refunds (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2007-304 adopted
- S. * **RESOLUTION** - 21st amendment to AAR No. 2007-214 appropriating \$320,200 to provide funds for annual citywide copier lease program payments (**Requires 5 affirmative votes**) – General Services Department
Action Taken: Resolution No. 2007-305 adopted
- T. * **RESOLUTION** - 459th amendment to the MFS Resolution No. 80-420 increasing green fees at Riverside Municipal Golf Course – PR&CS
Action Taken: Discussed and tabled 30 days for staff report on replacement of failing infrastructure
- U. Approve amendment to the fiscal year 2007-2008 Annual Action Plan transferring \$1,925,000 of HOME Program Funds from the Rental Rehabilitation Loan Program and the new Housing Development/ Construction Program to the First Time Home Buyer Assistance Program – Planning and Development Dept.
Action Taken: Approved
- V. Approve Amendment No. 3 to HOME Investment Partnerships Program Agreement between the City of Fresno and Self-Help Enterprises approving a time extension for completion of the Little Long Cheng Single Family Home subdivision located at Willow and Jensen Avenues in Southeast Fresno – Planning and Development Dept.
Action Taken: Approved
- W. * **RESOLUTION** – 462nd amendment to MFS Resolution No. 80-420 modifying the text in the Art, Park, Entertainment & Sports surcharge to specifically identify the City's entertainment venues and provide for waiver of the surcharge upon City Manager approval – Finance Dept./Budget Division
Action Taken: Resolution No. 2007-307 adopted
- X. * **BILL NO. B-67 – (Intro. 8/28/2007) (For adoption)** - Amending uncodified ordinance to adopt changes and additions to the official list of designated special speed zones designating speed limits for various streets within the City of Fresno pursuant to Section 10-1601 of the Fresno Municipal Code – Public Works Dept.
Action Taken: Ordinance No. 2007-72 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Jeff Roberts to request land in the vicinity of Copper and Willow as a priority area for pre-zoning activity – **Appearance made**
 2. Appearance by Donn Beedle to present a eulogy honoring Louis Bratcher, who recently passed away, was a former Planner with the Fresno Redevelopment Agency during the 1960's and early 1970's – **Appearance made**
- 9:00 A.M. B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:15 A.M. **CITY COUNCIL**
- A. Discussion and direction regarding the establishment of a City of Fresno Individual Development Account Program consistent with programs established in Savannah, Georgia, Kansas City, Kansas, and San Antonio, Texas – Council President Perea
Action Taken: Laid over one week
- 9:30 A.M. **GENERAL ADMINISTRATION**
- 10:00 A.M.#1 **RESOLUTION -** Recognizing residential neighborhood bounded by Jensen, Martin L. King, Annadale, and Ivy as Brookhaven – Councilmember Sterling
Action Taken: Resolution No. 2007-308 adopted
- 10:00 A.M.#2 **HEARING -** To consider the adoption of a resolution vacating a portion of the Fowler Avenue Frontage Road at Illinois Avenue – (R.I. No. 1062-D) (***Property located in District 5***) – Public Works Dept.
Action Taken: Held
- a. * **RESOLUTION –** Ordering the vacation of a portion of the Fowler Avenue Frontage Road at Illinois Avenue
Action Taken: Resolution No. 2007-309 adopted
- 10:15 A.M. **HEARING** to consider adoption of EA-07-31, filed by the Dept. of Public Utilities – Department of Public Utilities (***Continue to 10/16/2007 at 10:30 a.m.***)
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:20 A.M. **HEARING** – To consider Text Amendment Application No. TA-07-01, and environmental findings, initiated by the Planning and Development Department Director, related to residential density bonus pursuant to State Law – Planning and Development Dept.

Action Taken: **Held**

a. **BILL (For Introduction)** – Adopting TA-07-01 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance related to residential density bonus pursuant to State Law

Action Taken: **Bill No. B-75 introduced/laid over**

10:30 A.M. Appearance by Jaimie Holt, Creative Economy Council (CEC) Member, to provide a follow-up to the CEC's recommendations - Councilmember Westerlund

10:45 A.M. **HEARING** to consider Conditional Use Permit Application No. C-06-229, filed by Omnipoint Communications, Inc., pertaining to an approximate 0.23 acre parcel of land located on the northeast corner of N. Cedar and E. Shields Avenues (4205 E. Shields Avenue), and requests the construction and operation of a wireless communications facility consisting of a 70-foot slimline monopole and associated ground equipment cabinets adjacent to the pole on 400 square feet. The tower will have 6 antennas, raydome covering, and 4 equipment cabinets. The facility will be screened from view and enclosed behind a 6-foot chain link fence and gate with slats (**Property located in District 4**) – Planning and Development Department (**Continue to October 16, 2007 @ 10:15 a.m.**)

Action Taken: **Continued as noted**

2:00 P.M. #1 **CLOSED SESSION**

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organizations:

1. International Union of Operating Engineers, Stationary Engineers (Local 39)
2. International Association of Firefighters, Local 753 (IAFF Basic Unit)
3. International Association of Firefighters, Local 753 (IAFF Management Unit)

Action Taken: **Held**

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Board of Trustees of the California State University, et al. Superior Court Case No. 07CECG01148
2. **Case Name:** Joe Souza Farms, L.P., et al. v. City of Fresno, et al.

Action Taken: **Held**

C. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (c)

1. **Case Name:** Plata, et al. v. Schwarzenegger, et al., U. S. District Court for Northern District San Francisco, and Coleman, et al. v. Schwarzenegger, et al., U. S. District Court for Eastern District Sacramento

Action Taken: **Held**

2:00 P.M. #2 **CLOSED SESSION OF THE REDEVELOPMENT AGENCY**

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957 (Councilmember Sterling)

Title: Executive Director of the Redevelopment Agency

Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of August 28, 2007

Action Taken: Approved

- A. Establish a joint Mayor and City Council Task Force for City and Redevelopment Agency cooperation projects – Councilmembers Sterling and Dages
Action Taken: Approved
- B. Recommendation to Redevelopment Agency Board to award the contract to lowest responsible bidder for the demolition and clearance of the building known as Angela's Liquor located at 1438 Ventura Street within the Chinatown Expanded Redevelopment Project Area (*Agency action*)
Action Taken: Awarded

ADJOURN AGENCY

2:45 P.M.

HEARING to consider Rezone Application No. R-05-94, and environmental findings, filed by Granville Homes, pertaining to approximately 70.57 acres of property located on the north side of W. Barstow Avenue between N. Garfield and N. Grantland Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection district and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (*Property located in District 2*)

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-05-94/T-5597/C-05-239, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*), the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*), and the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone districts
Action Taken: Bill No. B-76/Ordinance No. 2007-73 adopted

3:00 P.M.

Appearance by Lisa E. Vargas, Client Manager for Novell, Inc., to present facts and impacts regarding the proposed email system change - **Presentation made**

3:05 P.M.

ISD Network Migration Project – Professional Services (Information Services Department)

- a. Ratify Agreement with Convergent Computing for RFP 2636 – Phase I Network Migration Analysis
Action Taken: Ratified
- b. * Approve amendment to agreement with Convergent Computing for RFP 2636 - Phase II Network Migration Implementation to not exceed \$535,811.00
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	19 (Wed.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) (<i>Reception immediately following – 2nd floor foyer</i>)
Sept.	25 -	10:00 A.M.	HEARING to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields and Belmont Avenues – Public Works Dept.
Sept.	25 -	10:15 A.M.	HEARING re: CFD No. 11, Annexation No. 19 Tract No. 5512
Oct.	9-		NO MEETING – COLUMBUS DAY
Oct.	16-	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 22, Tract No. 5511 – Public Works Dept.
Oct.	16-	10:15 A.M.	CONTINUED HEARING to consider Conditional Use Permit Application No. C-06-229, filed by Omnipoint Communications, Inc.
Oct.	16 -	10:30 A.M.	CONTINUED HEARING to consider adoption of EA-07-31, filed by the Dept. of Public Utilities – Department of Public Utilities
Oct.	23-	10:00 A.M.	Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82
Oct.	23-	10:15 A.M.	Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department
Nov.	13-		NO MEETING – VETERAN'S DAY
Nov.	20 -		NO MEETING – THANKSGIVING WEEK
Dec.	18-	10:00 A.M.	Presentation by Council of Governments (COG) regarding the Blueprint Outreach
Dec.	18-	10:10 A.M.	Metro Loop Presentation (<i>30 minutes</i>)